

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent.

DISPOSITION: October 7, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$250 was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

12355. Misbranding of canned mixed vegetables. U. S. v. 580 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23110, 23111. Sample Nos. 90939-H, 90940-H.)

LIBEL FILED: May 9, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about November 4, 1946, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.

PRODUCT: 1,056 cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Baltimore, Md.

LABEL, IN PART: "Royal Clover Brand Mixed Vegetables," and "Charles G. Summers, Jr.'s, Superfine Brand Mixed Vegetables Special Summer Pack."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish of mixed vegetables which appeared on all can labels was misleading, since it did not depict the true proportion and general appearance of the ingredients which were actually present in the cans; the vignette of a dish of mixed vegetables which appeared on some of the can labels was misleading, since such vignette showed very few carrots, whereas carrots decidedly predominated in the mixture; and the label statement "fancy" appearing on some cans was false and misleading as applied to the article, since it was not of fancy quality, because of the presence of ragged pieces and slivers of vegetables, mature white lima beans, and fibrous green beans.

DISPOSITION: May 22 and June 30, 1947. B. H. Rudo & Brother, Baltimore, Md., and Charles G. Summers, Jr., Inc., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling.

12356. Adulteration of canned green beans. U. S. v. 31 Cases * * *. (F. D. C. No. 23398. Sample No. 99589-H.)

LIBEL FILED: August 5, 1947, Southern District of Illinois.

ALLEGED SHIPMENT: On or about April 10, 1946, by Texas Canning Co., Falfurrias, Tex.

PRODUCT: 31 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Quincy, Ill. Examination showed that the product was decomposed.

LABEL, IN PART: "Miss Texas Brand Cut Green [or "Green Stringless"] Beans."

NATURE OF CHARGE: Misbranding, Section 403 (b) (1), the product failed to conform to the definition and standard of identity for canned green beans, since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: September 23, 1947. Default decree of condemnation and destruction.

12357. Misbranding of canned green beans. U. S. v. 376 Cases * * *. (F. D. C. No. 23354. Sample No. 49513-H.)

LIBEL FILED: July 11, 1947, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 30, 1946, by Deaf Smith County Food Products, from Hereford, Tex.

PRODUCT: 376 cases, each containing 6 6-pound, 8-ounce cans, of green beans at New Iberia, La.

LABEL, IN PART: "Deaf Smith County Foods Cut Green Beans Packed by Deaf Smith County Food Products Co., Inc. * * * with the unusual Vitamin and Mineral properties of Deaf Smith County Food Products. From the Town without a toothache. Contents of this can were produced in the vicinity of Hereford, Texas, the town known throughout the world because of its almost

entire lack of dental decay. Scientists have attributed this phenomena to the unusually high mineral content of the food and water from this area and regard the dental condition as an index to the general well-being of the individual who consumes food produced in this area."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements were false and misleading (These statements represented and suggested that the article was exceptionally high in vitamin and mineral content and that its use would be effective in preventing dental decay and promoting health. The article did not possess unusual vitamin or mineral content and would not be effective for prevention of dental decay or promotion of health); and, Section 403 (e) (1), the article failed to bear a label containing the place of business of the packer.

DISPOSITION: August 18, 1947. J. S. Brown & Son, New Iberia, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12358. Misbranding of canned green beans. U. S. v. 296 Cases * * *. (F. D. C. No. 23429. Sample No. 86519-H.)

LABEL FILED: August 27, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 11, 1947, by the St. James Packing Co., Inc., from Vacherie, La.

PRODUCT: 296 cases, each containing 6 6-pound, 5-ounce cans, of green beans at St. Louis, Mo. Examination showed that the product was decomposed.

LABEL, IN PART: "Little Jan Brand Whole Green Stringless Beans."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned green beans in that the definition and standard provides that for canned green beans the food is sealed in a container and so processed by heat as to prevent spoilage, whereas the article had not been processed by heat so as to prevent spoilage.

DISPOSITION: October 2, 1947. Default decree of condemnation and destruction.

12359. Adulteration of canned Mexican-style beans. U. S. v. 95 Cases, etc. (F. D. C. Nos. 23070, 23071. Sample Nos. 86635-H, 86636-H.)

LABELS FILED: June 11, 1947, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about November 25, 1946, by the Ladoga Canning Co., from Mound City, Ill.

PRODUCT: 95 cases at Jonesboro, and 75 cases at Paragould, Ark., each case containing 24 cans, of Mexican-style beans.

LABEL, IN PART: (Cans) "Boone County Brand Mexican Style Beans in Chili Gravy, Contents 1 Lb. 4 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained burrs, an added deleterious substance, which may have rendered it injurious to health.

DISPOSITION: July 30, 1947. Default decree of condemnation and destruction.

12360. Adulteration of canned Mexican-style beans. U. S. v. 355 Cases * * *. (F. D. C. No. 22929. Sample No. 76352-H.)

LABEL FILED: April 24, 1947, Northern District of Florida.

ALLEGED SHIPMENT: On or about January 23, 1947, by Stokely-Van Camp, Inc., from Indianapolis, Ind.

PRODUCT: 355 cases, each containing 24 1-pound, 4-ounce cans, of Mexican-style beans at Pensacola, Fla.

LABEL, IN PART: "Van Camp's Mexican Style Beans in Chile Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of foreign inedible material such as rocks, woody plant stalks, and thorny burrs.

DISPOSITION: May 27, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or disposed of as hog feed.